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Attorneys for Defendants New York-Presbyterian Healthcare System, Inc., Herbert Pardes and Wayne Osten

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MASAHIRO NAKAHATA, DIANA GARDOCKI and:
CYNTHIA DELANCY,

on behalf of themselves and all other employees similarly:
situated,

Plaintiffs,

- against -

NEW YORK-PRESBYTERIAN HEALTHCARE
SYSTEM, INC., THE NEW YORK AND
PRESBYTERIAN HOSPITAL, HERBERT PARDES,
M.D. AND WAYNE OSTEN,

Defendants.

: ECF CASE

: Docket No. 11-cv-6658(PAC) (RLE)

: **NEW YORK-PRESBYTERIAN HEALTHCARE
SYSTEM, INC.'S, HERBERT PARDES' AND
WAYNE OSTEN'S NOTICE OF MOTION TO
DISMISS THE COMPLAINT PURSUANT TO
FED. R. CIV. P. 12(b)(6)**

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PLEASE TAKE NOTICE that, based upon the accompanying affidavit of Wayne Osten, sworn to on February 15, 2012 and the exhibit attached thereto, Defendants New York-Presbyterian Healthcare System, Inc., Herbert Pardes and Wayne Osten, by their attorneys, Epstein Becker & Green, P.C. and Willkie Farr & Gallagher, will move this Court, before the Honorable Paul A. Crotty, United States District Judge, United States District Court, United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New

York, at a date and time to be determined by the Court, for an Order (1) pursuant to Fed. R. Civ. P. 12(b)(6) dismissing the Complaint with prejudice; and (2) awarding New York-Presbyterian Healthcare System, Inc., Herbert Pardes and Wayne Osten such other relief that the Court deems proper. The said Defendants also join in the motion of Defendant The New York and Presbyterian Hospital to dismiss the Complaint and hereby adopt the arguments made by The New York and Presbyterian Hospital in its memorandum of law in support of said motion.

New York, New York
February 21, 2012

EPSTEIN BECKER & GREEN, P.C.

By: /s/ Kenneth J. Kelly

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